

January 15, 2016

REGULAR MEETING MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
January 15, 2016

I. CALL TO ORDER THE REGULAR OPEN MEETING AT 11:01 A.M. AT 160 NORTH LASALLE STREET, SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

Anita M. Cummings, Susan Moylan Krey, William A. Schroeder, and Casey Urlacher, Commissioners; Daniel Stralka, Executive Director; Andrew Barris (by telephone), Assistant Executive Director; Roneta Taylor (by telephone), Illinois Department of Central Management Services; Heidi Guernsey (by telephone), Illinois Department of Human Services; Jane Bachman (by telephone), Jennifer Stout (by telephone), and Barb Call (by telephone), Illinois Department of Insurance; and Beth Duesterhaus (by telephone), Administrative and Regulatory Shared Services Center.

III. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD DECEMBER 18, 2015

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER KREY, AND THE MOTION ADOPTED 4-0, TO APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD ON DECEMBER 18, 2015.

IV. PUBLIC COMMENT IN ACCORDANCE WITH THE OPEN MEETINGS ACT

At this time, in accordance with the Open Meetings Act and the Rules of the Civil Service Commission, Executive Director Daniel Stralka offered an opportunity for any person to address members of the Commission. Hearing no response, the meeting proceeded to the next agenda item.

V. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

A. Report on Exempt Positions from Department of Central Management Services

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging.....	143.....	18
Agriculture	335.....	20
Arts Council	11.....	2
Capitol Development Board.....	49.....	0
Central Management Services.....	1,414.....	114
Children and Family Services.....	2,547.....	49
Civil Service Commission.....	4.....	0
Commerce & Economic Opportunity.....	307.....	69
Commerce Commission	65.....	0
Corrections	11,915.....	98
Criminal Justice Authority.....	54.....	7
Deaf and Hard of Hearing Comm.....	6.....	1
Developmental Disabilities Council.....	9.....	1
Emergency Management Agency.....	79.....	6
Employment Security	1,206.....	32
Environmental Protection Agency.....	730.....	18
Financial & Professional Regulation.....	425.....	49
Gaming Board	172.....	6
Guardianship and Advocacy	99.....	8
Healthcare and Family Services	1,967.....	26
Historic Preservation Agency.....	139.....	17
Human Rights Commission.....	14.....	2
Human Rights Department.....	130.....	9
Human Services.....	13,260.....	74
Illinois Torture Inquiry Relief Commission	2.....	1
Independent Tax Tribunal	1.....	0
Insurance	250.....	16
Investment Board	3.....	2
Juvenile Justice.....	1,057.....	25
Labor.....	87.....	11
Labor Relations Board Educational.....	9.....	2
Labor Relations Board State.....	14.....	2
Law Enforcement Training & Standards Bd.	19.....	2
Lottery	132.....	8
Military Affairs.....	126.....	3
Natural Resources.....	1,228.....	31
Pollution Control Board	19.....	2
Prisoner Review Board.....	22.....	0
Property Tax Appeal Board.....	33.....	1
Public Health	1,137.....	40
Racing Board.....	2.....	1
Revenue.....	1,588.....	53
State Fire Marshal	123.....	12
State Police.....	1,047.....	10
State Police Merit Board	6.....	2
State Retirement Systems	102.....	3
Transportation	3,281.....	0
Veterans' Affairs	1,381.....	10
Workers' Compensation Commission.....	123.....	11
TOTALS.....	46,872.....	874

B. Governing Rule – Section 1.142 Jurisdiction B Exemptions

- a) The Civil Service Commission shall exercise its judgment when determining whether a position qualifies for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code. The Commission will consider any or all of the following factors inherent in the position and any other factors deemed relevant to the request for exemption:
 - 1) The amount and scope of principal policy making authority;
 - 2) The amount and scope of principal policy administering authority;
 - 3) The amount of independent authority to represent the agency, board or commission to individuals, legislators, organizations or other agencies relative to programmatic responsibilities;
 - 4) The capability to bind the agency, board or commission to a course of action;
 - 5) The nature of the program for which the position has principal policy responsibility;
 - 6) The placement of the position on the organizational chart of the agency, board or commission;
 - 7) The mission, size and geographical scope of the organizational entity or program within the agency, board or commission to which the position is allocated or detailed.
- b) The Commission may, upon its own action after 30 days notice to the Director of Central Management Services or upon the recommendation of the Director of the Department of Central Management Services, rescind the exemption of any position that no longer meets the requirements for exemption set forth in subsection (a). However, rescission of an exemption shall be approved after the Commission has determined that an adequate level of managerial control exists in exempt status that will insure responsive and accountable administrative control of the programs of the agency, board or commission.
- c) For all positions currently exempt by action of the Commission, the Director of Central Management Services shall inform the Commission promptly in writing of all changes in essential functions, reporting structure, working title, work location, position title, position number or specialized knowledge, skills, abilities, licensure or certification.
- d) Prior to granting an exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the Commission will notify the incumbent of the position, if any, of its proposed action. The incumbent may appear at the Commission meeting at which action is to be taken and present objections to the exemption request.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

* * *

C. Requests for 4d(3) Exemption

Executive Director Daniel Stralka reported the following:

- As to Item C, this request is for the Health Information Technology Exchange Program Director, a position that reports to the Director of the Department of Insurance. This position was first presented for exemption in 2010 shortly after the passage of the Affordable Care Act. It has principal programmatic responsibility for the implementation of the Health Information Technology Exchange which is essentially a means to safely and securely exchange health information electronically. There is an Office of Health Information Technology in the Office of the Governor that was created by Executive Order in 2010. However due to the uncertainty of the extent of this position's programmatic authority and issues with underlying legislative action that needed to be taken the position was only granted a two year term exemption in 2010. Those uncertainties persisted so that this term exemption was extended in 2012 and 2014. Now the position is up again but many of Staff's initial and subsequent concerns remain unanswered. Therefore, Staff indicated to the agency that it would only recommend an additional three month term exemption to April 15, 2016 to allow the agency time to update Staff on these concerns. The agency indicated it was agreeable to this extension. Commissioner Cummings expressed concern because the term exemption had been going on so long that she would prefer to see the term extended an additional 60 days only. Jane Bachman, Department of Insurance, indicated that would be acceptable to the agency.
- As to Item D, Staff did not have sufficient time to review the agency's responses to its concerns so the agency was agreeable to continuing this request to the Commission's February 19, 2016 meeting.
- As to Items E and F, by agreement between Commission Staff and Central Management Services, it is requested that Items E and F be continued to the Commission's February 19, 2016 meeting.

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER URLACHER, THE MOTION ADOPTED 4-0 TO GRANT THE EXEMPTION REQUEST FOR THE FOLLOWING POSITION THROUGH MARCH 18, 2016:

C: Health Information Technology Exchange Program Director (Insurance)

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER URLACHER, WITH COMMISSIONER CUMMINGS ABSTAINING ON ITEM E, THE MOTION ADOPTED 4-0 TO CONTINUE THE EXEMPTION REQUESTS FOR THE FOLLOWING POSITIONS:

D: Compliance Coordinator (Juvenile Justice)

E: Chief Labor Counsel (Corrections)

F: Chief Labor Counsel (Human Services)

The following 4d(3) exemption request was granted to March 18, 2016:

C. Illinois Department of Insurance

Position Number	40070-14-40-000-00-01
Functional Title	Health Information Technology Exchange Program Director ¹
Incumbent	Brian P. Gorman, Elizabeth Diaz-Castillo ²
Supervisor	Director
Location	Cook County

The following 4d(3) exemption requests were continued to February 19, 2016:

D. Illinois Department of Juvenile Justice

Position Number	40070-27-00-100-00-02
Functional Title	Compliance Coordinator
Incumbent	Vacant
Supervisor	Deputy Director of Operations who reports to the Director
Location	Kane County

E. Illinois Department of Corrections

Position Number	40070-29-08-000-01-01
Functional Title	Chief Labor Counsel
Incumbent	Vacant
Supervisor	Governor's Office Chief Labor Counsel
Location	Sangamon County

F. Illinois Department of Human Services

Position Number	40070-10-00-000-00-01
Functional Title	Chief Labor Counsel
Incumbent	Vacant
Supervisor	Governor's Office Chief Labor Counsel
Location	Sangamon County

¹ This position was granted exemption on March 16, 2012 for two years which was extended on February 21, 2014 for an additional two years.

² There is an approved Additional Identical which expires on January 15, 2016.

VI. CLASS SPECIFICATIONS

A. **Governing Rule – Section 1.45 Classification Plan**

The Commission will review the class specifications requiring Commission approval under the Classification Plan and will approve those that meet the requirements of the Personnel Code and Personnel Rules and conform to the following accepted principles of position classification:

- a) The specifications are descriptive of the work being done or that will be done;
- b) Identifiable differentials are set forth among classes that are sufficiently significant to permit the assignment of individual positions to the appropriate class;
- c) Reasonable career promotional opportunities are provided;
- d) The specifications provide a reasonable and valid basis for selection screening by merit examinations;
- e) All requirements of the positions are consistent with classes similar in difficulty, complexity and nature of work.

B. **None submitted**

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER KREY, AND THE MOTION ADOPTED 4-0 TO DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION STAFF NOT CONTAINED IN THIS AGENDA TO ALLOW ADEQUATE STUDY.

VII. PERSONNEL RULES

A. **Civil Service Commission Governing Rule – Section 1.310 Personnel Rules**

The Commission has power to disapprove new rules or amendments to existing rules submitted by the Director of Central Management Services. Such proposed new rules or amendments of existing rules submitted to the Commission shall be accompanied by a report of proceedings attending the prior public hearing required by law with respect to them. If the Commission does not disapprove new rules or any amendment to existing rules within 30 days following the receipt from the Director of Central Management Services, the new rules or amendments have the force and effect of law after filing by the Director with the Secretary of State.

B. **None submitted**

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IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER SCHROEDER, AND THE MOTION ADOPTED 4-0 TO DISAPPROVE ANY AMENDMENTS TO PERSONNEL RULES RECEIVED BY THE COMMISSION STAFF BUT NOT CONTAINED IN THIS AGENDA TO ALLOW ADEQUATE STUDY.

VIII. MOTION TO CLOSE A PORTION OF THE MEETING

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER URLACHER, AND BY ROLL CALL VOTE THE MOTION ADOPTED 4-0 TO CLOSE A PORTION OF THE MEETING PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4), AND 2(c)(11) OF THE OPEN MEETINGS ACT.

CUMMINGS	YES	KREY	YES
SCHROEDER	YES	URLACHER	YES

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IX. RECONVENE THE OPEN MEETING

Upon due and proper notice the regular open meeting of the Illinois Civil Service Commission was reconvened at 160 North LaSalle Street, Suite S-901, Chicago, Illinois at 11:29 a.m.

PRESENT

Anita M. Cummings, Susan Moylan Krey, William A. Schroeder, and Casey Urlacher, Commissioners; Daniel Stralka, Executive Director; and Andrew Barris (by telephone), Assistant Executive Director.

X. NON-MERIT APPOINTMENT REPORT

Set forth below is the number of consecutive non-merit appointments made by each department as reported by Central Management Services:

Agency	11/30/15	12/31/15	12/31/14
Arts Council	1	0	2
Central Management Services	2	1	4
Children and Family Services	0	0	1
Healthcare and Family Services	2	2	5
Human Services	12	13	9
Insurance	0	1	1
Juvenile Justice	1	1	0
Natural Resources	13	18	16
Revenue	2	0	0
State Retirement Systems	1	3	1
Transportation	0	5	2
Veterans' Affairs	0	0	1
Workers Compensation Commission	1	3	0
Totals	35	47	42

XI. INTERLOCUTORY APPEAL

DA-15-16

Employee	Julia Vaughn	Appeal Date	09/14/15
Agency	Human Services	Decision Date	12/23/15
Type	Discharge	ALJ	Andrew Barris
Issue(s)	Motion to Dismiss for untimely filing and filing both a grievance and Civil Service Commission appeal	Proposal for Decision	Grant the Motion to Dismiss for untimely filing.

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER URLACHER, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE THAT VAUGHN’S FAILURE TO FILE HER APPEAL WITHIN 15 DAYS AFTER RECEIPT OF THE APPROVED CHARGES RESULTED IN THE COMMISSION HAVING NO JURISDICTION OVER THIS MATTER. THE APPEAL IS DISMISSED.

**CUMMINGS YES KREY YES
SCHROEDER YES URLACHER YES**

XII. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEALS

DA-1-16

Employee	Nasthsa Hawkins	Appeal Date	07/07/15
Agency	Human Services	Decision Date	12/31/15
Type	Discharge	Proposal for Decision	3-day suspension and counseling, plus the duration of suspension pending discharge.
ALJ	Andrew Barris		

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER CUMMINGS, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE THAT THE PARTIALLY PROVEN CHARGES WARRANTED A 3-DAY SUSPENSION AND COUNSELING PLUS THE DURATION OF THE SUSPENSION PENDING DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED DECEMBER 31, 2015.

**CUMMINGS YES KREY YES
SCHROEDER YES URLACHER YES**

DA-11-16

Employee	Philip R. Benford	Appeal Date	08/31/15
Agency	Human Services	Decision Date	12/31/15
Type	Discharge	Proposal for Decision	60-day suspension plus duration of suspension pending discharge.
ALJ	Daniel Stralka		

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER KREY, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE THAT THE PROVEN CHARGES WARRANTED A 60-DAY SUSPENSION PLUS DURATION OF THE SUSPENSION PENDING DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED DECEMBER 31, 2015.

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CUMMINGS YES KREY YES
SCHROEDER YES URLACHER YES

S-29-15

Employee	Andre M. Taylor	Appeal Date	12/24/14
Agency	Corrections	Decision Date	12/30/15
Type	Suspension	Proposal for	Suspension upheld.
ALJ	Andrew Barris	Decision	

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER SCHROEDER, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE THAT THE WRITTEN CHARGE FOR A 20-DAY SUSPENSION HAS BEEN PROVEN AND WARRANTED SAID SUSPENSION FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION.

CUMMINGS YES KREY YES
SCHROEDER YES URLACHER YES

XIII. APPEAL TERMINATED WITHOUT DECISION ON THE MERITS

DA-22-16

Employee	Lisa D. Leeper	Appeal Date	11/02/15
Agency	Central Management Services	Decision Date	12/23/15
Appeal Type	Discharge	Proposal for	Dismissed; charges were withdrawn.
ALJ	Andrew Barris	Decision	

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER URLACHER, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE TO DISMISS THE APPEAL.

CUMMINGS YES KREY YES
SCHROEDER YES URLACHER YES

XIV. CHAIRMAN REPORT

No report.

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XV. STAFF REPORT

Executive Director Daniel Stralka reported:

- The Commission's postage meter remains locked by the postage provider for our inability to pay an outstanding \$600 invoice. The Commission's postage provider is located out of state and appears to be unaware of the current budget situation. The Governor's Office of Management and Budget has been made aware of the situation and is attempting to negotiate some sort of resolution that would free up our postage. In the meantime, the Commission is temporarily transporting its mail to the Central Management Services Mail & Messenger Services and utilizing its postage meter. An account to track our expenditures has been established.
- He recently met with representatives of the Governor's Office of Management and Budget regarding the fiscal year 2017 budget. The Commission is still without a fiscal officer, and has also yet to implement a program to monitor agencies' usage of exempt positions as the Auditor General called for back in its 2010 Special Audit. The Executive Director made a proposal which would resolve both these outstanding issues. It was indicated that a response would be forthcoming in the near future.
- It was announced earlier today that Director Tom Tyrrell from Central Management Services has resigned and Michael Hoffman from the Department of Commerce and Economic Opportunity has been appointed as Acting Director.

XVI. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular open meeting to be held Friday, February 19, 2016 at 11:00 a.m. in the Commission's Chicago office.

XVII. MOTION TO ADJOURN

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 4-0 TO ADJOURN THE MEETING AT 11:38 AM.